

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MICHELE MESSENGER,  
KURK TURNERY, MARTA L. TURNERY  
and BRANT R. TURNERY,

PlaintiffS,

v.

Civil Action No. 2:06 CV 96  
(Maxwell)

METTIKI COAL, LLC;  
METTIKI COAL CORPORATION;  
METTIKI COAL (WV), LLC;  
ALLIANCE RESOURCE PARTNERS, L.P.;  
and ALLIANCE COAL, LLC,

Defendants.

FILED  
SEP 27 2007  
U.S. DISTRICT COURT  
ELKINS WV 26241

ORDER

Came the Plaintiffs, on the 5<sup>th</sup> day of September, 2007, and filed with the Court their Motion for Modification of Scheduling Order, which Motion seeks an extension of the deadlines set in paragraphs 2, 4, 5 and 6 of the previously entered scheduling order. Plaintiffs aver that Defendants' counsel has no objection. The Court, finding just cause to do so, hereby **GRANTS** Plaintiffs' Motion for Modification of Scheduling Order. Accordingly, the Court's March 9, 2007 Scheduling Order is hereby modified as follows:

(2) All discovery shall be fully served and completed by July 30, 2008.

(4) The Plaintiffs shall make the disclosures required by Rule 26(a)(2) no later than April 1, 2008. The Defendants shall make the disclosures required by Rule 26(a)(2) no later than May 1, 2008. Any rebuttal experts shall be disclosed no later than May 15, 2008.

(5) The Plaintiffs' final witness list and final exhibit list shall be filed with the Court on or before July 16, 2008. The Defendants' final witness list and final exhibit list shall be filed with the Court on or before July 30, 2008. The parties shall have fourteen (14) days from service of final witness and exhibit lists to file objections.

(6) **Dispositive Motions**: All dispositive motions, as well as deposition transcripts, admissions, documents, affidavits, and any other such matters in support thereof, shall be filed on or before July 30, 2008.

To the extent that the Court's March 9, 2007 Scheduling Order has not been herein modified, it shall remain in full force and effect.

The Clerk is directed to transmit copies of this Order to counsel of record herein.

ENTER: September 27<sup>th</sup>, 2007



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United States District Judge